

Vice-Adm - - L. B. K's //

A C C O U N T

OF THE
Late ENGAGEMENT

NEAR *TOULON*

Between His Majesty's Fleet,

AND THE

FLEETS of *France and Spain*;

As presented by HIM the 12th of *March 1744-5*

ALSO

LETTERS TO and FROM

Adm

Relating thereto since his Arrival in *England*

With NOTES.

L O N D O N:

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March 20, 1744-5.

In a few Days will be Publish'd,

From the Originals presented by Adm--r-l
L - ft - - k, to the Hon. House of Commons:
All the material Situations, Views and Posi-
tions, in the late Engagement near *Toulon*, of
His Majesty's Fleet, and those of *France* and
Spain: Curiously engrav'd on Seven Sheets of
fine Imperial Paper.





Vice-Adm---l *L-st--k's*
A C C O U N T.

THURSDAY, Feb. *the 9th* 1743-4.

AT Three o'Clock in the Afternoon, the *Winchelsea* came in fight, in the Western Passage of the Bay, and made the Signal that the Combin'd Fleets were coming out to Sea; upon which the *Essex*, at an Anchor under the Island of *Porquerole*, repeated the Signal: And after the Admiral had answered them, he immediately made the publick and private Signals to unmoor, which were repeated by me and the Rear-Admiral. I then immediately waited on Mr. *Mathews*, and desired to know (as I had the Honour to command next to him, and the Enemy in fight) if he had any particular Commands or Instructions for me: He answered me, No, saying, It was very cold, and bid me go on Board——

THE Fleet unmoor'd, hove short, and lay so all Night. The Enemies Ships that came out, anchor'd under the Land near *Toulon* Harbour, being little or no Wind most part of the Night. At Day-break saw the Enemy over the Low-land under Sail, and the rest of their Fleet coming out.

AT Ten o'Clock our Fleet weigh'd by Signal, with the Wind westerly ; and half an Hour after, the Admiral made the Signal for the Fleet to draw into a Line of Battle, one Ship a-head of another ; which Signal I repeated, and made Sail a-head with my Division. At half an Hour past Eleven o'Clock the Admiral having made the Signal for the Van of the Fleet to tack, I repeated the Signal and tack't ; the Fleet having not form'd into a Line of Battle.

FRIDAY the 10th.

THE Fleet continued all the Afternoon plying to Windward between the Islands and the main Land in the Bay of *Hieres*, the Wind blowing fresh westerly ; while the Enemy were employ'd in forming a Line of Battle. At Night our Fleet anchored in the Bay. At Day-break weigh'd with the Land Breeze ; and at Seven o'Clock the Admiral having made the Signal for the Fleet to draw into a Line of Battle one a-stern of the other with a large Wind, and for those to lead, who were to lead with their Starboard Tacks aboard by a Wind ; I repeated the Signal, and answer'd it by making Sail a-head with my Division : But the little Wind, with an high western Swell, and the Ships crowding and pressing upon one another, hindered the Fleet from getting out of the Bay in the Disposition of Battle, according to the Signal abroad : The Admiral's Division and mine, having got into the Southern Passage of the Bay, where there is no anchoring, mixed together Heads and Sterns athwart, just upon being on Board of one another, entirely govern'd and conducted by the Swell, with all our Boats a-head, endeavouring to tow

tow the Ships clear of one another; and it was with great Difficulty, and beyond Expectation, we escap'd this imminent Danger. We discover'd the Enemy, the Body of their Fleet bearing about S.W. seeming to stand towards us with the Wind westerly, while what little Wind we had was easterly.

SATURDAY *Feb. 11th.*

ABOUT Noon the *Boyne* and *Chichester* joined us from *England*; at half an Hour after the Admiral made the Signal for the Fleet to draw into a Line of Battle, one Ship a-head of another; which I repeated. At Two o'Clock being almost calm, he hoisted a blue Flag at the Flag-Staff on the Mizzen Top-mast-head, and fired a Gun, which Signal, by the 8th Article of the Fighting Instructions, is for him that commands in the 3d Post, and the Ships of the Larboard Quarter to clap by the Wind, and to come to their Larboard Tack: But by the Ninth Article of the Sailing Instructions, it is for all the Ships of the Fleet to bring to with their Larboard Tack, the Admiral having brought to, I repeated the Signal, and brought to with the Larboard Tack, being very little Wind, and the Swell driving us nearer and nearer the Island of *Porquerole*. At three o'Clock the easterly Wind having prevailed, luckily for us, the Admiral made the Signal for the Fleet to draw into a Line of Battle, one Ship abreast of another: I repeated the Signal, and the Fleet made Sail: The Enemy brought to in a Line of Battle, being twenty-eight Ships in their Line, sixteen *French*, and twelve *Spanish*; a *French* Rear Admiral in their Center, a Commodore in their Van, and a *Spanish* Rear Admiral in their Rear. In the Evening, about half an Hour after it was

was dark, the Admiral put abroad four Lights in his Fore Shrouds, and fired eight Guns, which is the Night Signal for the Fleet to bring to, and the windward-most Ships to do it first: Accordingly, I repeated this Signal, and brought to, being in a Line a-breast with Admiral *Mathews*, within three Miles of the Enemy; two of whose Ships bore away from me, Wind variable in the eastern Quarter all Night. At Day break, finding myself at a greater Distance from the Admiral than at Night when I brought to, occasioned by a Shift of Wind, Eddy or Indraght of the Islands, while he was in the Offing, in the Power of the Current, I made Sail, and, by that Time the Admiral made the Signal for the Fleet to make Sail, which I repeated at half past six o'Clock in the Morning, I was near being a-breast of him, though our Divisions were far from being closed together; and the Rear Admiral's a great Way to windward of the Line of Battle.

THE combined Fleets made sail, and stretch'd in good Order of Battle to the Southward. At half an Hour past Seven o'Clock the Admiral made the Signal for the Rear Admiral and his Division to make more Sail, which I repeated; and soon after he made my Signal to do the same, having at that Time all my Sail abroad. Before eight o'Clock, Lieutenant *Jasper*, the Admiral's Lieutenant, came on board with the Admiral's Directions to me, that he would lay bye until I cou'd get up with my Division to close the Line of Battle with him: But, instead thereof, I having observed to Mr. *Jasper*, that the Admiral had rather made more Sail, and went faster from me, he reply'd, that soon after he put off from his Ship, the *Namure*, she had made more Sail, nevertheless,

less, he thought it his Duty not to return before he had delivered to me the Admiral's Message ; soon after, Lieutenant *Knowler*, of the *Namure*, came on Board of me from the Admiral, with Orders for me to make more Sail ; upon which I bid him look aloft, and see whether I could make any more Sail. Every Sail which cou'd draw being then set. Lieutenant *Knowler* acknowledged the Truth of what I said, and added, that the Admiral was very uneasy that the Rear Admiral and his Division did not make more Sail to get into the Line of Battle. And upon my saying to him, that, according to the Line, the *Real*, the *Spanish* Admiral, must be my Adversary ; he reply'd, that Admiral *Mathews* had told him so : And after giving my Compliments to the Admiral with Assurances, that nothing shou'd be left undone that I had Power to do, to get along Side of the *Real* with all possible Expedition, Lieutenant *Knowler* returned to the Admiral. At this Time I had ordered the Captain of the *Mercury* Fireship to prime, and to send his People above what were necessary for burning his Ship on board of me, which was accordingly done ; likewise directed him to keep an Eye upon me ; and when I thought it necessary for him to burn his Ship, he might depend upon proper Assistance, with an Officer and Boats from me to attend him. And I having observed that there were six Ships a-stern of the *Spanish* Admiral in the Enemies Line ; and that the sternmost Ship, the largest, except the *Real*, as I had only four Ships a-stern of me, according to Mr. *Mathews's* Order of Battle, I made the Signal for the Lieutenants of the *Oxford*, *Nonfuch* and *Romney*, and directed them to tell their Captains to fall a-stern to assist and support the sternmost Ships of my Division.

At

At Eight o'Clock.

THE Admiral made the Signal for the Fleet to draw into a Line of Battle one Ship a-breast of another, which I repeated. At nine he made the Signal for the Fleet to draw into a Line of Battle, one a-stern of another, with a large Wind; and the Rear Admiral to lead, which I repeated. And half an Hour after, he made the Signal for the Fleet to draw into a Line of Battle, one Ship a-head of another, which I repeated. At this Time the *Royal Oak* joined us.

At Half past Ten o'Clock.

THE Admiral made the Signal to engage the Enemy, which the Rear Admiral repeated, but I did not. Our Fleet kept bearing down upon the Enemy, not at all formed in the Order of Battle, the Van, the Rear-Admiral's Division being to wind-ward four or five Miles of the Line of Battle; and my Division, the Rear, a great Distance from the Center; the Admiral's Division, occasioned by the Admiral's not laying by for me, according to the Message sent to me by Lieutenant *Jasper*; whereby it soon became impracticable for our Fleet to keep the Advantage of the Wind, considering the Foulness of our Ships, and have Room to form in a proper Disposition of Battle, before Action, unless we had immediately haled our Wind to gain Time for that Purpose, which would have brought the Enemy more a-stern of our Fleet. The *French* Admiral no sooner observed us make this Signal than he hoisted his Colours, as did also every Ship of the confederate Fleet, and made more Sail, continuing their Course to the Southward with an Intention of gaining the Wind, or to draw us on to fight at a Disadvantage upon such unequal Terms.

SUNDAY, Feb. 12.

ABOUT half an Hour past one o'Clock, the Center of our Fleet being a-breast of the Enemies Rear, the *Spanish* Squadron, our Van near a-breast with their Center, while I and my Division were left a great Way a-stern with little Wind, a great Swell, and all the Probability of a Calm, the Rear Admiral, instead of being far enough a-head to attack the Enemies Van, was where the Admiral should have been: The Admiral, instead of being far enough a-head to attack the Enemies Center, was where I should have been: And I, instead of being far enough a-head to attack the Enemy's Rear, was left a great Distance a-stern. In this Disposition, contrary to the Signal for the Line of Battle then abroad, Admiral *Mathews*, without hinting to me the least Information of his Design, bore down with the *Marlborough* upon the *Spanish* Admiral, and began the Engagement: The Admiral was not long engaged before he left the *Marlborough*, in the Heat of Action, against the *Real*, and her Second a-stern that lay upon her Quarter. The *Norfolk* engaged the *Real's* Second a-head of her, which Ship soon bore away out of their Line. The three headmost Ships of the *Spanish* Squadron exchanged a Broad-side in passing at the headmost Ships of the Admiral's Division, but continued their Course to the Southward with the *French* Squadron, making in all nineteen Ships.

THE *Somerset*, *Princessa*, *Dragon*, *Bedford*, *Kingston*, *Guernsey* and *Salisbury* engaged at too great a Distance the *Poder*, a *Spanish* Ship, next to the *Spanish* Admiral's Second a-head, until

B

til

til the *Berwick* bore down and gave her Battle ; to which Ship she afterwards struck, being dismasted. About two o'Clock, Rear Admiral *Rowley* and the *Princess Caroline* got a-long Side of *M. de Court*, the *French* Admiral, and his Second, and engaged them for some Time. The *Boyne* and *Chichester* also fired at the *French*, but at too great a Distance. The three other foremost Ships, the *Nassau*, *Warwick* and *Sterling Castle*, though there was no Signal of Direction to the contrary, did not engage according to the Signal abroad, but kept their Wind, endeavouring to prevent the *French* (who had so great a Superiority as nineteen against seven) from tacking and doubling upon them.

BETWEEN two and three o'Clock the *Marlborough's* main and mizen Masts were shot by the Board, nevertheless she continued to make good Fires upon the Enemy, although she had no Assistance from her Neighbours in the Line, that continued laying to wind-ward, and firing at the Ships in the Enemies Rear, not within Gun-shot.

A T four o'Clock the *Dunkirk* and *Cambridge* being to wind-ward of me, I fired a Shot to wind-ward of them, and made the *Dunkirk's* Signal.

A T half past four o'Clock I try'd to reach the sternmost Ship of the Enemy, and fired a Braodside at her, but cou'd not stop her from going a-head ; she was before my Beam, Topgallant Sails lower'd, only under her main and foretop Sails, with her mizen Topfail a-back ; notwithstanding which she drew a-head of me, tho' there was very little Wind, with so high a southern Swell, that it was all that I cou'd do to keep the Ports open to fire the lower Tier of Guns. As soon as I fired, she returned it, then hoisted her

her top-gallant Sails, filled her mizen Top-sail, and let fall her Fore-sail, and bore away from me : I kept going down after her, until I found I shou'd only be able to fetch into her Wake. At this very Time I observ'd the *Ann Galley* Fireship with all her Sail abroad, going down upon the *Spanish* Admiral, who lay disabled with his Stern to the *Marlborough*. The Enemy, in the Rear of the *Spanish* Admiral, fired at the Fireship, excepting the two sternmost Ships, but their Shot seemed to fall short of her.

ABOUT five o'Clock the *Ann Galley* Fireship, without being properly assisted, appearing to be very near the *Real*; which Ship had fired seven or eight Guns at her, was presently set on Fire and blew up without doing Execution. A great Launch full of Men was sent from the *Real* to take her ; but she blew up before the Launch boarded her.

AT the same Time saw Rear Admiral *Rowley* and his Division standing to the Northward towards us, with the Signal out for the Ships of his Division to bear down into his Wake ; and the *French* Squadron on the other Tack so close after them, that their Heads being towards us, we cou'd hardly distinguish them from one another.

IN this Disposition, when the Fireship had miscarried, and our Van were making what Haste they cou'd to join our Center, with the *French* close after them in good Order of Battle, Admiral *Mathews* haled down the Signal to engage the Enemy, and the Signal for the Line of Battle, and hoisted the white Flag at the Flagstaff on the Fore-top-mast Head, the Signal to give over Chace ; upon which I haled down the Signal for the Line of Battle, repeated the Signal to give over Chace, and shortened Sail.

W H E N the *French* tack'd upon our Van, they had it in their Power, by their great Superiority, to destroy it ; but tho' they ranged within Pistol-shot of four or five of our Ships, where they could have raked them fore and aft, they did not fire one Shot, but bore away to the Assistance of the *Spanish* Squadron.

At half past Five o'Clock.

T H E Admiral made the Signal for the Fleet to draw into a Line of Battle a-head, which Signal I repeated. There was at this Time very little Wind, and so great a Swell, that, with the Loss of a good deal of Room, it was all that the Ships wou'd wear : The Admiral wore and form'd the Line of Battle on the other Tack (the Starboard, the same the Rear Admiral was upon) leaving the *Poder*, the Ship that struck, to be retaken by the *French* Squadron, with the *Berwick's* Lieutenant, and twenty-three of her Men ; So precipitate was our Flight from the *French*, that there was not Time to save their People.

T H E *Dorsetshire*, *Essex*, *Rupert* and *Royal Oak* wore when the Admiral did, which consequently brought them nearer to the sternmost Ships of the *Spanish* Squadron, that, by this Time, had got up in a close Line with their Admiral : And in passing by, being on the contrary Tack, they fired, as did Admiral *Mathews*, the *Dorsetshire*, *Essex*, *Rupert*, *Royal Oak*, *Dunkirk* and *Cambridge*, upon this Occasion ; which Firing was the last of the Action, and soon ceased : Our Fleet passed on, leaving the confederate Fleet.

At

At Eight o'Clock at Night.

THE Lieutenant of the *Russel* came on board of me from the Admiral, to acquaint me, that he had shifted his Flag on board of that Ship; and that it was his Directions for me to keep near to him all Night.

LITTLE Wind all Night, variable, and sometimes Calm.

AT Day-break saw the Enemy in the S. W Quarter, little Wind about N. E. and one of our Ships (which proved to be the *Somerset*) distant three or four Miles, exchanging some Shot with one of the Enemies Ships that was separated from their Fleet,

I received a Letter from Admiral *Mathews*, directing me, when he made the Signal for the Line of Battle a-head of each other, to lead with my Division, let it be with the Starboard or Larboard Tacks on Board—

AT the same time sent my Compliments to the Admiral by Capt. *Long*, with my Opinion that we should do nothing, unless we engag'd the Enemy in a proper Disposition of Battle.

At Nine o'Clock.

I made the Signal for my Division to give chase to the S. W. and crouded sail a-head.

At Eleven o'Clock,

THE Admiral made the Signal for the Fleet to draw into a Line of Battle one Ship a-breast of another, which I repeated.

MONDAY, Feb. 13.

AT Two o'Clock in the Afternoon the Admiral brought too on the Starboard Tack; and at Three o'Clock he made the Signal for me

to make Sail with my Division, which I repeated, and answered by making all the Sail I could.

AT half past Three o'Clock the Admiral made the Signal for the Rear-Admiral and his Division to make more sail, which I repeated.

ALL this Afternoon kept forming into a Line according to the Signal abroad, and going down upon the Enemy, who were going afore the Wind, retreating in great Disorder.—

THE *Spanish* Squadron was a-head, and to Leeward of the *French*: Four of their Ships were disabled, among which was the *Real*, the *Spanish* Admiral, whose Flag was flying without a Top-mast on end, or a Yard a-crofs, in tow of a large Ship.

At Six o'Clock.

OUR Fleet brought to with their Starboard Tacks, being perfectly well formed in a Line of Battle. The Body of the *Spanish* Squadron bearing of me S.W. by W. and the Body of the *French* S. W. by S. At Seven o'Clock the *Essex* set the *Spanish* disabled Ship, that struck the Day before, on fire, and she soon blew up.

THE *Burford* join'd us from *England*, and fell into her Station in the Line of Battle.

At Ten o'Clock at Night.

LOST Sight of the Enemy. Little Wind N. N. E. fine Moon-light Night.

AT half past Two o'Clock the Admiral fired Ten Guns, the Signal for the Fleet to make sail, which Signal I repeated and made sail, and continued my Course to the Westward with a fresh Gale.

At

At Day-break.

I made the Signal for seeing above Twenty Sail of the Enemy, then bearing about W.S. W. of me.

At Seven o'Clock.

THE Admiral hoisted a Flag striped red and white on the Flag-staff at the Foretop-mast-head, and fired a Gun; which Signal, by the Thirteenth Article of the Fighting Instructions, is for the Vice-Admiral and his Division to draw into a Line of Battle a-head of one another: But by the Fourteenth Article of the Sailing Instructions, it is for the Vice-Admiral to send Ships to chace: Upon seeing the Signal made by the Admiral, I repeated it, and with my Division in the Line of Battle one Ship a-head of another gave chace, gaining upon the Enemy, and making their Ships more plain, being able to see them from the Deck, and the Real in tow.

AT Eight o'Clock, the Admiral made the Signal for the Ships to windward to bear down into his Wake.

At Nine o'Clock.

HE made the Signal for the Fleet to give over chace: Afterwards he made the Signal for my Captain, but soon haled it in again, and sent the *Winchelsea* to me, whose Captain came on Board with Directions for me to give over chace, and come into the Fleet, and keep near to the Admiral.

AT Ten o'Clock, the Admiral continuing the Signal abroad for the Ships to windward to bear down into his Wake, fired another Gun.—Fresh Gales; the Wind came more to the Eastward. Lost sight of the Enemy.

THE Account I have now given, is to the best of my Knowledge, Judgment, Obser-

vation and Belief, a faithful and true Account of the Disposition and Proceedings of his Majesty's Fleet, and of the Combined Fleets (so far as my Situation would allow) previous to, and after the Engagement: And if in the Delivery of it I appear too minute, I must beg leave to inform this Honourable House, that in the Course of this Inquiry many Incidents and Accidents, small in themselves (and to Gentlemen not properly well acquainted with Maritime Affairs, appearing perhaps trivial) may be attended with great, very great Consequences, especially in regard to my self; whose Behaviour upon that important Occasion, must in some measure be justified or condemned from them; and although it has been my Misfortune, not my Fault, to have received what I must humbly presume to call a severe and undeserved Censure of my Conduct in the Engagement, yet I am not without hopes, that when this Inquiry is perfected, the Gentleman, whose Authority laid the present Suspension on me, will have reason to think I did not deserve it: And I flatter my self no less, that when all Circumstances shall be laid before this House relating thereto, with such Evidences as in a short Time I shall be able to produce in support of them, that my Conduct shall appear in a Light very different from what my Enemies have placed it, and not unworthy the Trust, the Post, and Duty of an Admiral. My Honour, my Experience, and long Service, make an Inquiry most welcome to me, either here or in any other Place: It is what I have long solicited for, and as the Result of it will give publick Satisfaction, I eagerly and earnestly attend to it, as the only Means of having Justice done to my self and to every other Object of it.

Vice

Vice-A-----l L-----k

T O

The D----- of N-----le.

Which accompanied a Copy of the *Suspension*.

Salisbury, in Mahon-Harbour,

My Lord Duke,

20th March, 1743.

YOU will be pleased to signify to his Majesty, that on the 16th, after the Night-watch was set, in return to my Rejoinder, Mr. *Mathews* judg'd it proper to send me an Order of Suspension. I know not what he writes to your Grace in Reply to it ; for he has not thought me deserving of any other Answer. I can now only say, that I have been deprived of my Authority in a very extraordinary Manner, and injured in the tenderest Point, that of my Reputation ; wherefore I humbly hope for all the Redress which is due to me, after such an undeserved arbitrary Stretch of Power.

THE *Salisbury*, since she was appointed to proceed with me to *England*, has been ordered to convoy the *Turkey Ships* home, so that my Passage will be so much the longer, and consequently the Oppression the greater ; until I can throw myself at his Majesty's Feet to seek Justice. In the mean time, I thought it my Duty to send your Grace a Triplicate of all the Papers that have passed between us, excepting the Lines of Battle ; which, the little Time I have had, the Uncertainty of an Opportunity, and Hurry I have been in, would not permit. I am exceedingly glad to catch at the least Appearance of an Opportunity,

C

nity, not knowing but the same Man, who thus stops the Channel of Correspondence between your Grace and me, may also use all Ways and Means to get at my Packets. I have only to beg, that your Grace would be so good to excuse the Errors that may be committed from so much Hurry, little Time, and want of proper Clerks. I must likewise beg, that you would be pleased to cause a Copy of this Letter, with Mr. *Mathews's* Order of Suspension, and my Answer, to be sent to my Lords of the Admiralty; for I have no Time, as the Ship who carries this, is already getting under Sail; and in case Mr. Secretary *Corbett* should not have received my two former Packets, I believe your Grace will think it necessary for his Majesty's Service, that Copies of the whole may be sent to him for their Lordship's Information. I am,

My L—— D——,
Your G——'s, &c.

R——d L———k.

*Vice-A——l L——k to the D——e of N———le,
from on board the Salisbury at Mother-Bank,
near Spithead, 24th May, 1744.*

My L—— D——,

I HOPE your Grace received my Packet of the 16th of *March* from *Mahon*, with a Duplicate thereof; likewise my Letter of the 20th of *March*, with a Copy of Admiral *Mathews's* Order of Suspension, and a Triplicate of all the Papers, which had been before sent to your Grace. I beg Leave to acquaint you, that the *Salisbury*, being directed to carry me home, sailed from *Mahon* the 26th of *March*, with Merchant Ships under her Convoy, and arrived at *St. Helens* Yesterday.

W H E N

WHEN I had flattered myself, what little Merit I possessed, was the Knowledge I had acquired in my Profession, by the Dint of a long Experience, and a fervent Zeal for his Majesty's Service, always receiving in the Execution of my Duty, Approbation and Applause; a sensible Encouragement to a Man who means well, and endeavours his utmost; when an unblemish'd Reputation, and the general Esteem, as an Officer well qualified, and well acquainted in his Majesty's Service, were my Consolation, at this time of Day, to feel so grievous an Injury, so undeserved, and heavy an Oppression, is too severe for me to bear its Shock: Nothing supports me under its Pressure, but the Certainty of the King's Justice, and his most gracious Bounty to all his Servants: It is with infinite Regret, I am now necessitated to observe to your Grace, that while Admiral *Mathews* has enjoyed the Command in the *Mediterranean*, by making such a great Number of Officers, as he has done, and bestowing other Favours, which accrue from his extensive Power, he has been able to raise up many great Friends, and to form an Interest, capable of overthrowing Truth and Innocence, in the Vindication of himself, and the Misrepresentation of me. He is not only a more potent Adversary than ever he has yet been; but, alas! I appear, in the Sight of the World, as a Delinquent, deprived of my Authority, and sent home in an ignominious Manner, full in the Eyes of the Publick, at a Conjunction, when it became more the immediate Duty of every Officer to exert himself, and sacrifice his Life in the Support of the King's Commands; much more a Flag Officer, of my Rank and length of Service.

AND as most of Mankind will conclude, that Admiral *Mathews* has had good Reasons for so extraordinary a Proceeding; the Odium of the Failure of his

his Majesty's Fleet will fall on me, and I shall be universally condemn'd. To guard, then, in some Measure, against such a Weight of Injustice and Affliction in this the Opinion of the Nation, and my unfortunate Circumstances, until his Majesty, in his great Wisdom and Goodness, shall judge it necessary and convenient for me to justify myself at a legal Trial, that the Guilty may be openly detected, to take this Censure off me; in the meantime I humbly implore that his Majesty will be graciously pleased to grant me his Royal Leave to print the Papers on both Sides, which pass'd between Admiral *Mathews* and me; which, in all Probability, may prevent scandalous Insinuations, Prejudice and Falshood taking root, to add to my Persecution.

THE 26th of *April*, in the Evening, the *Salisbury* got under Sail from *Gibraltar*, but Captain *Barradale*, of the *Shark* Sloop, having the 26th examined a *Dutch* Ship off Cape *Trafalgar*, was informed by the Master of her, that the 24th he spoke with a *Spanish* Ship of War of 68 Guns, with a Fly-boat under her Convoy; and that next Day he saw them both go into *Cadiz*; and on the 26th his Majesty's Sloops, the *Saltafb*, *Shark*, and *Xebec* cruising in the *Gut*, having made this *Spanish* Ship of War, with two Ships under her Convoy; one of which was a large Fly-boat, supposed to be loaded with Stores for the Enemy at *Cartagena*, Captain *Spragge* dispatch'd the *Xebec* with this Information; whereupon the *Salisbury* anchored again. The 27th in the Morning she weigh'd with the Trade and saw the *Spanish* Man of War (which Ship was the *Grand Lyon* of 70 Guns) pass thro' the *Gut*, with the Ships under her Protection, the *Salisbury* continuing her Course to the Westward with a fresh Easterly Gale; and in her Passage home she has neither met with one Cruiser, nor received any Intelligence.

THE *Salisbury* has had no Communication as yet; for even the Custom-house Boats refused taking our Letters, and she is now going to perform Quarantine; and as soon as it is over, I shall have it in my Power to wait on your Grace. In the mean time, I beg the Honour of an Answer. I am,

My L——,

Your G——'s, &c.

R——d L——k.

The D——ke of N——le's L——r to Vice-
A——l L——k,

S I R,

White-hall, May 29, 1744.

I HAVE received the Favour of your Letter of the 24th Instant, and have laid it before the King: As I shall soon see you here, I shall then have an Opportunity of acquainting you with his Majesty's Thoughts upon the Contents of it, which makes it unnecessary for me to say any thing further at present, than that I am,

S I R,

Yours, &c.

H——s N——le.

Vice-

Vice-A—l L—k to the D— of N—le.

My L— D—,

LAST Night I arrived in Town; but the Gout being upon me, that I am unable to set my Foot to the Ground, prevents my waiting on your Grace, agreeable to the Intention of,

My L— D—,

Your G—'s &c.

Whitehall

18th June 1744.

R—d L—k.

Vice-A—l L—k to the E—l of Win—sea.

My Lord,

WHEN I received the Honour of your Lordship's Letter at *Portsmouth*, informing me, that his Grace the D— of N— had, by his Majesty's Command, laid my two last Letters before my Lords Commissioners of the Admiralty for their Opinion, I was extremely ill of the Gout. After waiting there till last *Saturday* Morning, I set out for Town, and on *Monday* acquainted Mr. S—ry C—t, by Letter, of my Arrival here; but as the Disorder continued to deprive me of my Legs, I could not possibly wait on their L—sh—ps. Since which, I understand the Opinion of your Board has been sent to his Majesty; which, with the King's Result thereupon, I am entirely ignorant of: And what now adds to my Mortification and the Weight of Affliction I labour under, is the News of the Promotion of junior Flag-Officers to the Rank above me, while I am left out (a).

THE

(a) Mr. *Stuart* and Sir *Charles Hardy*, inferior Flag-Officers to Vice-Admiral *Leffock*, were, at this time, promoted to the Rank above him.

THE Moment I can stand upon my Legs, I shall not fail of waiting on your Lordship; but in the mean time, as this Appointment to my Prejudice and Dishonour, appears to be like Judgment, preceding Conviction, a Sanction to Admiral *Mathews's* Injustice, Misrepresentation, and Calumny, in regard to me, and a Demonstration of Guilt to the World, without the Justice of a legal Tryal, which I humbly apprehend I have an indubitable Right to, I cannot help presuming to beg of your Lordship an Explanation. I am,

My Lord,

Yours, &c.

Charing-Cross, the
21st June 1744.

R——d L——k.

E——l of Win—— to Vice-A——l L——k.

S I R,

I am very sorry for the ill State of your Health, by which I have been prevented seeing you. I am surprized you should think that a Promotion of Flags, during the Time of your Suspension, gives any Sanction to what has passed in relation to your Conduct, without entering into the Merits of your Cause, one way or other. Whenever that comes to be heard, the Crown will undoubtedly do you Justice, and 'till then, either hoisting of your Old Flag, or giving you a new one, would be as premature, as you say every thing has been which has happen'd to you since the Action in the *Mediterranean*. I am,

S I R,

June 21, 1744.

Yours, &c.

Win——sea.

Vice-A—L—k to the E—l of Win—sea.

My L—,

I AM extremely obliged to your Lordship for the Explanation which I receiv'd last Night ; I am now entirely satisfied : But without such an Answer I must confess, it would have added to the Pain of the Gout. People, in my Circumstances, are very susceptible of Jealousy, especially where their Pretensions and Seniority seem to be invaded : I hope, therefore, your Lordship will forgive the Infirmary of Human Nature. I am with the greatest Respect,

My L—

Yours, &c.

R—d L—k.

Vice-A—l L—k to the D— of N—le.

My L— D—,

July 1744.

I N Obedience to your Grace's Commands, I waited on my L— Win—sea, and the Admiralty Board ; who tell me, that my Affair was indeed referred to them for their Opinion, and accordingly they had sent their Judgement to your Grace for His Majesty's Information ; consequently I must now attend your Grace for the Royal Result.

WHILE I am thus injured and oppressed, once more I humbly pray your Grace would be pleased to approve of my publishing the Papers, that passed between Admiral *Mathews* and me. In which I shall forbear publishing your Grace's Letter after my Arrival at *Spithead* ; the only one I have had the honour to receive from your Grace, relating to these Papers.

What

What induces me to be the more urgent, besides my Reputation as an Officer being at Stake, is certain Intelligence, that these Papers will be published by other Hands; there being many Copies in Town, wherein Falsties, and Mistakes may be inserted, and the Publick imposed upon; therefore I beseech your Grace's Consideration. I am,

My L^d D^y,
Your Grace's, &c.

R^d L^d K.

Vice-Admiral L^d K. to the D^y of Newcastle

My L^d D^y. July 27th, 1744.

IT is now above two Months, since I made my first Application to your Grace for publishing those Papers that passed between Admiral Mathews and me, as what I owed my self in support of an injured Reputation; but as I received no Answer before your Grace went into *Suffex*, I was necessitated to trouble you with another Letter to this Purpose, and I humbly hope now for your Grace's Determination: Being the more solicitous therein, from a certain Information that they will be publish'd by other Hands, perhaps to my Disadvantage, and the Imposition of the Publick. I beg leave likewise to acquaint your Grace again, that in Obedience to your Commands, I waited several times on my L^d Win^{sea} and the Admiralty Board; who tell me my Affair was indeed referred to them for their Opinion, and accordingly they had sent it to your Grace for his Majesty's Information, consequently that I must now attend your Grace for the Royal Result. I am,

My L^d D^y,
Your Grace's, &c.

R^d L^d K.

D

Vice-

Vice-A—l L—k to the D— of N—le,
to the same Purport as his former Letters.

My L— D—,

August 13, 1744.

I AM under the greatest Uneasiness for fear of being thought troublesome, a Character I would avoid at any rate, especially to your Grace; but what I foresaw, and mentioned in my Letters, is come to pass; for in several of the daily Papers of last Week, the Papers that passed between Admiral *Mathews* and me, are advertised to be published, therefore I am forced to renew my Application; begging that I may have his Majesty's Leave to print them my self, to prevent the Publick being misled by a spurious Copy. I have taken the Liberty to inclose one of these Papers, to convince your Grace of this Truth.

I MUST likewise beg leave again to repeat to your Grace, what I have mentioned in my former Letters, That in Obedience to your Grace's Commands I waited on my L— *Win—sea* and the Admiralty Board, who tell me, that my Affair was indeed referred to them for their Opinion, and accordingly they had sent it to your Grace for His Majesty's Information; consequently that I must attend your Grace for the Royal Result (b). I am,

My L— D—,

Your Grace's, &c.

R—d L—k.

Mr.

(b) Mr. *Lestock* did not only write frequently on the same Subject to his G— the D—ke of N—le, but took all Opportunities of waiting on him, for near three Months together, which Constancy at last produced the K—g's Order to the L—ds of the Admiralty, signifying his Pleasure to bring Admiral *Lestock* with all possible Expedition to his Trial.—Accordingly, Mr. S—y C—n,

Mr. S—ry Cor—tt to Vice-A—l L—k.

S I R,

Admiralty-Office 20th Aug. 1744.

THE Lords Commissioners of the Admiralty having received his Majesty's Pleasure to bring you to your Tryal, for your Conduct in the late Action against the Fleets of *France* and *Spain*, in the *Mediterranean*, and that the same should be done in the most expeditious manner that the Circumstances of the Case will admit; His Majesty judging it for his Service that an Affair of such Consequence to the Publick should be immediately enquired into, I am ordered by their Lordships to acquaint you, that they design to have a Court-Martial held here in *England* for that Purpose, so soon as Mr. *Mathews* and you shall be ready for it. Their Lordships direct you to prepare for the said Tryal, and to let their Lordships know when you are ready. I am,

S I R,

Yours, &c.

Tho. Cor—tt.

D 2.

Vice-

C—tt, by his Letter of the 26th of *August* 1744, gives him Notice. But as to the Printing the Letters and Papers that pass'd between the Admirals, Mr. *Leffock* was forbid doing it, in the Name of the M—y, which he forbore. — However, in the same Month these Papers were publish'd, with Remarks on, and Answers to the Narrative of the Fleet in the *Mediterranean*. Whatever Satisfaction the Original Papers might give the Publick, to show where the Fault lay, these Remarks and Answers were so Trifling, Weak, and Insignificant, that they were not thought deserving of a Reply; as they seem'd rather to illustrate the many glaring Truths, and strong Arguments of the Pamphlet, entitled, *The Narrative*, than to controvert and prove the Falshood and Malignity of them.

Vice-Admiral to Mr. Secretary of State.

S I R,

August 21, 1744.

NOTHING ever gave me greater Pleasure than the Receipt of your Letter of yesterday's Date: An Enquiry into my Conduct, for the sake of his Majesty's Service, the Publick Good, and in vindication of my self, has been my constant Application to his Majesty's Principal Secretary of State from the Day of my Arrival 'till now; the Knowledge therefore of the Royal Result, cannot but give me Joy, and also I think myself much obliged to their Lordships for the Early Notice you have given me of their Intention, it is a sure Instance of their Justice; tho' I am conscious my Cause is such, that I want no other Preparation than the Arrival of the Evidence, having from the beginning been ready to justify myself, to fix the general Odium where it should lay, and to overthrow all Misrepresentation and Calumny.

IT is necessary however for me to observe at this time to their Lordships, that I have no Charge against me besides the Queries, which Admiral *Mathews* sent to me; these, with his Replications to my Answers, imply my Accusation, as well from the Tenor of the Order of Suspension, as from your Letter signifying His Majesty's Pleasure to their Lordships to bring me to my Trial for my Conduct, in the late Action against the Fleets of *France* and *Spain* in the *Mediterranean*.

IN a Case then where an impartial Enquiry and the strictest Scrutiny are absolutely necessary, towards the Explication of so important a Subject, with submission to their Lordships, it appears requisite to me, that the Evidence ought not to be confined to any Particular Number, but to include all the Captains, Officers

Officers and Quarter-Deck People of the Ships in my Division, (which Persons from their Situation were the best able to distinguish) on the Day of the late Action in the *Mediterranean*: The greater Number of Witnesses that are examined, the more conspicuous, and notorious, will the Innocence or Guilt appear. But if his Majesty's Service, or the Number of Ships under their Lordships Order to return home, will not admit of such a Proceeding, I must with infinite Regret submit to a lesser Number, in which I hope their Lordships will do me the Justice to indulge me, as my Reputation, my All is at Stake, either including the Applause or Censure of the King, their Lordships, and the Voice of the Nation (c).

A L.

(c) The Disadvantages the suspended Admiral labours under are innumerable, while Mr. M———, on the contrary, has all the Benefit that Fortune, Power and Interest can give him. Among the many Advantages we may venture to enumerate, that his Misconduct cannot be enquired into, before Mr. L——— is justified; and if that never happens, then, in all Probability, he will exult over him, and his Rashness, Folly, and Misbehaviour, particularly that of never exercising and disciplining the Ships under his Command, by frequently drawing them into Lines of Battle, agreeable to his Instructions; and, above all, suffering the Enemy to get away the third Day with their lame Ships, by calling Mr. L——— off from the Chace, tho' undeniable Facts, and universally known, will nevertheless escape Censure, and be involved in the Vice Admiral's Condemnation, as it cannot be supposed, he will ever afterwards have Interest enough to bring him to an Account. — It is a Dispute between an Admiral in Power, next to being at the Head of the Fleet, (joined to a formidable Interest of other Admirals, who, if they do not in some Measure owe to him their Promotion, yet they received many Obligations from him when he commanded) and an inferior Admiral, deprived of Power, and injured in the tenderest Point, that of his Reputation, struggling for Justice, and a fair Decision. — The Difference between being Prosecutor and Defendant is easily distinguished, both in regard to personal Circumstances, and the general Opinion of Mankind. In short, one seems to have it in his Power either to become a powerful, strenuous Friend, or a severe, bitter Enemy; whereas the impotent State the other appears in, seems to incapacitate him from being either of them. — The immense Wealth Mr. M——— has acquired, has given him Power, and the Number of
of

ALLOWING for what may possibly be, Un-
thinking and Unintelligible People, my own Prefer-
vation

of Preferments he has so lavishly bestowed, at the Expence of publick Treasure, has given him Interest, and raised up many Friends; there are the Prospects of Power and Interest to allure with, and those of Enmity and Resentment to intimidate with, consequently they must have some Weight and Influence, together with that implacable Hatred, nourished almost from Infancy, and the Necessity of justifying his Conduct, by the Ruin of him, whose Vindication must condemn himself, nay bring about his Dishonour, Infamy and Loss of Fortune.—On the other Hand, Mr. L——k, in the Eye of the Law, is deemed a Criminal; besides the Clamour of the Multitude, who received the first Rumour and Noise implicitly, which Reason and Innocence, tho' ever so visible, can never eradicate, as their popular Fury render them incapable of forming a just Judgment, and making a dispassionate Enquiry to remove the first Impression, we have found him contending with almost insurmountable Difficulties, to procure what every *Englishman* has an indubitable Right to, that of being heard, before he can be punished, censured or disgrac'd. He has had no Opportunity to accumulate Wealth, or make Friends, but from the Justice of his Cause; an inconsiderable Advocate in this Age! Let the Reader judge then, whether his Innocence must not be very conspicuous, for a Court-Martial to acquit him honourably, composed of Sea-Officers, who cannot be excited, with regard to him, either by Hope or Fear; whose particular Interests cannot be lessen'd, or Promotions endanger'd by his Resentment, whatever their Sentence should happen to be, especially if they should arm themselves against him, by putting it for ever out of his Power to attempt it: Hence it can only be an honest Courage, capable of resisting every powerful Temptation, Fear and Delusion, together with that Independence of Mind which enables a Court to do Justice, that can possibly acquit this unfortunate Gentleman. Considering these Circumstances, with many others, equally prevalent, but too tedious to repeat, what hath he not at Stake? all that is dear to him; the Reputation of an Officer, and fifty Years Service.—Can it be thought in this View, by the Judicious and Impartial, an unreasonable Boon to require the Officers and Quarter-deck People of two Ships, with the Fire-ship's People that were saved, being sent for home?—Among which there should be an Allowance made for the Ignorant and Stupid, who can give no reasonable Account; for out of this Number, it is a Question whether a fourth Part of them may be intelligible Persons: Such is the Disadvantage of sending for Evidence at random, at so great a Distance, without the

vation will not suffer me to lessen the Number of the annexed List. I am,

S I R,

Yours, &c.

R——d L——k.

N. B. With the above Letter the Vice-A——l sent a List of Evidence, requesting of their L——ps to send Orders to bring them home; but to this Letter no Answer was returned.

Vice-

the Possibility of knowing the Depth of their Knowledge and Apprehensions, or afterwards amending any Defect of that Kind, proceeding from Ignorance, by requesting the Trial to be put off, untill more sensible Evidences are sent for, and come home. For Example, there may be fifteen out of twenty, who can neither speak for, nor against particular Facts; whereas the remaining five may be positive in their Depositions, and determine the Point. What Person then in being would trust so great a Stake to so precarious a Dependance as that of sending for a few, when the Laws of his Country give him Authority to insist upon as many as he pleases? But tho' this be the Case of A——l L——k, it cannot be infer'd that it is Mr. M——s's. For after he suspended the former, and sent him home, with all imaginable Dispatch, he had Time sufficient to pick out, among the Crouds of his Creatures, to allure, nay to prefer such Persons as were willing to support the Legality of this Suspension, whether actuated there-to by false Gratitude and future Prospects, or a Conformity to Truth.—At least this Gentleman had it in his Power to guard against sending for unnecessary People, who could not speak to his Purpose, if he was so conscientious to hesitate at any Iniquity and Injustice to finish what he had begun in Vindication of himself.—When all this is thoroughly considered, and that common Prudence and Self-preservation, the first Law of Nature, direct us not to depend on the Justice of our Cause alone, but to arm against every sinister Art and Stratagem, that a lame and wicked Cause may prompt; to which the Innocent and Unwary too often fall a Sacrifice, by being lull'd asleep in a dangerous Security, and neglecting a proper Defence, with every necessary Preparation: It is rather to be wonder'd at, that Mr. L——k, did not insist upon the Officers and Quarter-deck People of the whole Division being sent for, since it is not only obvious that most of these Ships from their being kept so long abroad, even longer than those that are arrived, are hardly able to swim, but that the Officers and Quarter-

Vice-A—l L—k to Mr. S—y
Cor—tt.

S I R,

Chigwell, Aug. 30, 1744.

HAVING recollected that Admiral *Mathews* in his Replications to my Answers to his Queries, takes the Liberty to affirm that it was absolutely in my Power to have stopt the four sternmost Ships of the Enemy from getting a-head so near to the Fire-Ship, when she was going down upon the *Spanish* Admiral; by which Neglect the Admiral says, according to his credible Informations, the Fireship must have sunk by the Shot she received from those Ships had she not blown up: In order therefore to be the better able to prove this Accusation to be unjust, and that not one of the Shot reach'd her, I must trouble their Lordships, desiring they would be pleas'd to add to the List of Evidence to be sent for home, the Officers and Men who were on board of the Fire-Ship, or in the Boat along side of her, when she blew up; as they must certainly be the best Judges, whether the Shot reach'd from that Quarter. I must likewise beg of their Lordships to add to the *Neptune's* List two Midshipmen, whose Names are *Stamp* and *Davidson*. I am,

S I R,

Yours, &c.

R—d L—k

ter-deck People of four or five of the nine Sail, which were suffer'd thus to come home without bringing any of his Evidence maugre all his Sollicitations, might have at least been exchanged with those of his Division, without any Inconveniencies, or injuring the publick Service: And, indeed, had it been the Exchange of the whole nine Sale, why not, when these Ships were

Mr. O---ne (in the Absence of Mr. Sec---ry
Cor---tt) to Vice-A---l L---k.

S I R,

Admiralty-Office, Sept. 1, 1744.

I HAVE received your Letter of yesterday's Date, desiring that the Officers and Men who were on board of the Fire-Ship, or in the Boat along-side of her, that was sent to burn the *Spanish* Admiral, may be added to the List of Evidence to be sent for home; as also two of the *Neptune's* Midshipmen, which I have communicated to my Lords Commissioners of the Admiralty, and am, (in the absence of the S---y)

Yours, &c.

R---d O---ne.

to bring Satisfaction to an injured Nation, big with Expectation, and to fix the Punishment and Odium upon the guilty Person? In Affairs of much less Importance, Officers and Quarter-deck People, nay even whole Ship's Companies have been turn'd over, or exchange'd; why it was declin'd and neglected now, is the more surprising, upon so extraordinary an Exigency, and is submitted to the Judgment of the Reader.

E. Vice-

Vice-A—l L—k to Mr. Sec—
C—tt.

S I R,

November 16, 1744.

HAVING received a Letter from you, dated the 20th of *August*, “signifying his Majesty’s “Pleasure to their Lordships, to bring me to a “Tryal, for my Conduct in the late Action in the “*Mediterranean*, and that the same should be done “in the most expeditious manner that the Cir- “cumstances will admit; His Majesty judging it “for his Service that an Affair of such Conse- “quence to the Publick, should be immediately “enquired into:” to prevent a Moment’s time being lost through my means, to retard the King’s Commands, the publick Justice, and my own Vindication; next Morning, the 21st of *August*, I writ to you for the Information of their Lordships, expressing my Satisfaction and Pleasure; and that nothing might be wanting on my Part, I annex’d a List of Evidence, which were necessary to be sent for immediately home, in support of my Cause. To which I had no Answer, nay not even a Receipt for my Letter on so important a Subject; therefore I think it now my Duty to send you a Copy of it.

ON the 30th of the same Month, I sent you another Letter, requesting of their Lordships, and showing the Necessity to add to the former List of Evidence, the Officers and Men who were on board the Fireship, or in the Boat along-side of her, when she blew up, near to the *Spanish* Admiral; as also two Midshipmen more of the *Neptune*, viz. Mr. Stamp, and Mr. Davidson; which Letter was acknowledged to have been received, in your Absence, by Mr. Of-
burnt.

burne. I cannot but be exceedingly sorry and astonished to learn, that their Lordships have not been pleased, in consequence of the King's Commands for dispatch, their Intention signified (to me) to hold a Court-Martial here in *England* upon me, and these my importunate Letters, to order the necessary Evidence home, on board of those nine Sail of his Majesty's Ships, that are expected every day from the *Mediterranean*; particularly as the *Namur*, my Adversary's Ship, is one of them (d). For my own part, I feel this Delay to be extremely painful, and so much additional Weight to what I have suffered already, is almost insupportable. Insomuch that I think my self obliged to trouble you again, begging their Lordships Justice and Consideration, in ordering the Officers and Quarter-deck People home, of his Majesty's Ships the *Neptune* and *Torbay*, with the Fireship's Officers and Men. My Case is so severe, that I am brought to be willing even to run the risque of Danger, by lessening the Number of Evidence, rather than not use Dispatch in bringing my Cause to an Issue, after

E 2

(d) Mr. L—— here laments the more, and indeed with some Reason, that the necessary Witnesses were not ordered home, on board of the nine Sail expected, particularly as the *Namur*, A——l M——'s Ship was one of them. For, beyond all Dispute, this Ship had a thorough Repair, and was compleatly fitted just before she sail'd; therefore she must be in a much better Condition than any one of the remaining three second Rates in the *Mediterranean*, that had been in Commission eighteen Months longer upon Service, and now above four Years since they were clean'd; insomuch, that while the *Namur* was able to keep the Sea, the *Barfleur* in particular was obliged to be sent to *Martin* to be patch'd up there. An evident Proof of A——l M——'s Preheminence and Superiority, to the Prejudice of Admiral L——, if not to the publick Service. Whether this Point was carried by misrepresenting the true State and Condition of the *Namur*, or by Dint of Interest, and the Power of Friends, we cannot say; but so it has happened, and may be supposed to have given Mr. L—— some Shew of Reason, from the Appearance, to glance it at their L——s in this Letter to Mr. S——y C——t.

a constant Application, and Attendance of six Months for that purpose (e). I am,

Yours, &c.

R—d L—k.

N. B. *With the above Letter the Vice-A—l sent a Copy of his Letter, dated the 21st of August, with the List of Evidence annex'd thereto.*

(e) As we cannot pretend to give any just Reason why the L—s C—s of the A—y should have declined sending for the Evidence requir'd by Ad—l L—k (in his Letter of 21st Aug. next Day after receiving Mr. Corbett's Letter, which signified the King's Pleasure, and their Lordship's Resolution) and omit so fair an Opportunity as that of nine Sail coming home together, which may not happen again while the War continues, the impartial Reader will not be displeas'd to find A—l L—k alarm'd on this Occasion, and expressing his Surprise at the Neglect, and will take this Letter rather as a manifest Proof of his Earnestness and Fervour to bring on the Hearing, than any Backwardness and Lukewarmness; as the Enemies to Truth, and him, have given out; nay some of them of Distinction, the Nature of whose Employments, one would have thought, should have taught them Truth and Candour, and prevented their giving Scope to so much Ignorance and Malice. This Gentleman's Affiduity in spurring on the L—ds of the Ad—y, and demanding Dispatch agreeable to the K—g's Commands, the Astonishment he expresses, with the Complaints he makes that the Witnesses had not been ordered home, nor yet he received any Reply to his Letter, requiring this Justice, tho' writ almost three Months ago, sufficiently shew how ready and eager he was to justify himself; and that he had used his utmost Endeavours to forward the Enquiry.—What then are we to think of those Men, those Detractors and Revilers, when we find them publishing, and openly to all the World declaring the contrary, and loading the innocent Person with the Reproach of putting off, and protracting the Time of Trial, by raising Difficulties, and starting trifling Objections?

Mr.

Mr. Sec——ry Cor——tt to Vice-A——l
L——k.

S I R,

Admiralty-Office 20th Nov. 1744.

I HAVE laid before my Lords Commissioners of the Admiralty, your Letter of the 16th Instant, inclosing a Copy of one I received from you, dated the 21st of August last. As to my not owning the Receipt of that Letter, you are desired to recollect, that it was an Answer to mine to you of the Day preceding; acquainting you, that their Lordships had received the King's Orders to bring you to your Tryal, which they should do, so soon as you and Admiral Matthews should be ready for it (f). As Mr. Matthews was then on his way home, by Land, their Lordships could not regularly proceed farther in that Business, either as to the summoning of Witnesses, or otherwise; till he had delivered in the Substance of his Charge against you (g). I had their Lordships Orders

(f) Mr. S——y is desir'd in the Ad——l's Reply to recollect in his Turn, that tho' the Admiral's Letter acknowledged the Receipt of his the preceding Day, yet as it contained new Matter, Mr. L——k had a Right to an Answer, signifying their L——ps's Resolution, and not be kept three Months in Suspense, without knowing what obstructed the Justice he had a Title to demand of them.

(g) The summoning of Mr. L——k's Witnesses when he desired it, could not have been attended with the least Injustice to either Party, or any ill Consequences; on the contrary, it would have made great Dispatch in this Affair, and been a very necessary Proceeding, considering that these Ships were order'd home; supposing the Charge against him had not been known to be fixed and certain: But this was not the Case; their L——ps having received Mr. M——s's Queries, and Reply to Mr. L——k's Answers to these Queries, together with the Copy of the Order of Suspension (which had been all printed and published some Months

Orders to write to him on that Head, upon his Arrival in *England*; which I did on the 25th of *September*, acquainting him with the Orders their Lordships had received from His Majesty, for enquiring into your Conduct at a Court-Martial, and that therefore they desired to know the Particulars of what he had to charge against you, and what Evidence he desired may be brought to support the said Charge; to which I received an Answer dated the 17th Instant, signifying, that he could not find his Papers to know the Names of some of his necessary Evidences, till two Days before (*b*); that his Charge against you is contained in the Queries, with the Addition of one more Article, the whole being put together in the annexed Papers for your Information.

YOU

Months ago) these undoubtedly then, with the K—g's Order to their L——ps, to try him for his Conduct in the late Action, imply'd and fixed the Charge in so explicit a Manner, that it was impossible to think that Mr. L——k could be try'd for any thing else; consequently the Reason the S——y is pleas'd to give, could be of no Weight or real Hindrance to their L——p's further Proceedings.

(*b*) Especially when we find that Ad——l M——s, after his Arrival in *England*, was so patiently and passively suffer'd to be silent on that Subject for seven Weeks; and when the mighty Mountain brought forth, behold he excus'd himself, that he had not been able to find his Papers before, to know the Names of the necessary Evidences! An idle Pretence, and the more ridiculously pleaded on this Occasion, as it is directed to a Board, where some of them had full well experienc'd what Pains and Labour he had taken to raise Objections towards obstructing the coming on of the Trial; alledging, that Mr. L——k was not now in the Service, as if the Crown could have been brought to govern in the same despotick Manner as he has done, inconsistent with the Liberties, Laws, and Justice which are due to every *English* Subject. Besides hinting, as weakly as ignorantly, that he could not be legally try'd, as probably a junior Flag-Officer to him would preside at the Court Martial: As if the L——ds C——rs for executing the Office of Lord High Ad——l were not fully empowered, by an Act of Parliament, to grant a Commission to any inferior Flag-Officer that they please, nay even were it to the junior Rear-Admiral,

YOU will judge, when you have perused the said Heads, of what is charged against you, whether you would have any change made in the List of Evidences you desire, in your Letter of the 16th Instant, to be sent for from the *Mediterranean*; and to let their Lordships know your final Determination thereupon, that they may give speedy Orders for bringing them over; their Lordships being far from desiring to restrain you in whatever you think necessary to your Justification. I am,

S I R,

Yours, &c.

THO. COR—TT.

miral, to try the first Admiral in *Great Britain*. What would the Enemies of Mr. L——t, the Creatures of Mr. M——, and the Followers of his Fortune give, for so fair an Opening to declaim and inveigh against Mr. L——t? Surely these ridiculous Scruples and Hesitations, joined with that Slackness and passive Humour in the *Ad——ty*, would, with great Justice and Shew of Reason, give Room for Chastisement and bitter Reproach. And after this, can any Wretch be adventurous and impudent enough to affirm, that the Delay to a national Satisfaction and publick Justice, proceeds from any Part of Mr. L——t's Conduct?

Heads

*Heads of the Charge made by A——l M——ws
against the Conduct of Vice-A——l L——k,
before and during the Action with the French and
Spanish Fleets in the Mediterranean, on the 11th
of February 1743.*

CONTAINING

*The Queries stated by A——l M——ws, and
sent to Vice-A——l L——k on the 20th of
February 1743, as they are printed in the 12th and
14th Pages in the Original Letters and Papers be-
tween M——ws and L——k.*

ALSO

*A——l M——s's Reply to Vice-A——l
L——k's Answers to the aforementioned Que-
ries, dated the 4th of March 1743, as printed in
the 18, 19, 20, 21, and 22d Pages in the same
Original Letters and Papers between M——ws
and L——k.*

AND

*An Extract of A——l M——ws's Letter to
Mr. S——y Cor——tt, dated the 17th of
November 1744, an additional Article to the Que-
ries, and Replies, viz.*

THE Charges against the late Vice-A——l
L——k's Conduct are contained in the
Queries, and my Reply to his Answers to those Que-
ries I sent their Lordships; to which I have now
only to add, that he was guilty of a most scandalous
Breach of Trust, by sending his own Captain (Cap-
tain

tain *Stepney*) to Captain *Purvis*, at that time under Confinement in order to be tried at a Court-Martial, on his own Accusation, for Misbehaviour in the time of Service, as appears in the said Vice-A—l L—k's Reply, &c. with Instructions to the said Captain *Purvis*, how to conduct himself at the Court-Martial, and with Assurances that he would do him no Harm (i).

N. B, *The Querias and Reply were wrote at length, with the above Extract, which makes the whole Charge against the Vice-A—l, and as such was signed by Mr. Sec—ry Cor—t.*

(i) Undoubtedly Mr. L—k, with good Reason, might have refused answering to this additional Article, as what could not possibly, with any Degree of Justice, be reckon'd part of the Charge against him: However, he submitted to it; arming himself with his own Innocence, and thereby preventing the Detraction and Calumny of his Adversaries, who, upon this Occasion, would have made the most severe and uncharitable Constructions. Notwithstanding this Article is called a scandalous Breach of Trust, the first Lieutenant of the *Neptune*, on the Day of the late Action, candidly confesses himself to be guilty so far as to send to Capt. *Purvis*, though not by Capt. *Stepney*, to plead in his own Defence a manuscript Addition to the first Article of the fighting Instructions, made and signed by the Commander in Chief, consequently in full Force, tho' perhaps too unguardedly added, as it help'd, no doubt, to acquit the unfortunate Captain. But so far from esteeming this a Breach of Integrity, or an Act of Injustice, we cannot help thinking that Humanity and common Honesty teach us this Candour and Charity to our Fellow Creatures; and what would have become the Judges of the Court-Martial, even the President himself (if he was not ignorant of his own Order) to mention it, had its Notice escaped the Prisoner's Observation. Otherwise, by the same Parity of Reason, it may be deemed Justice to condemn a dumb Man, whose Innocence is known to his Judge, because he cannot speak to claim his Testimony; and it is thus made a scandalous Breach of Trust for the Judge to speak the Truth in his Behalf. From such Principles of Justice, and so open a Violation of the Rights and Privileges of Mankind, Heaven preserve every Judge, and banish all such Acts of Tyranny and Inhumanity.

Vice-Admiral to Mr. Secretary
Cor—tt.

S I R,

Bury-Street, St. James's, Nov. 27, 1744.

YOUR Letter of the 20th Instant, with the Heads of Admiral Mathews's Charge against me, did not come to hand before this Day; as it was not delivered at my House in Town till the 22d, then sent down to *Portsmouth*, where it missed me, having just set out, it was returned to Town after me. I did not expect, in observing I had received no Answer to my Letter of the 21st of *August*, that I had given my Lords Commissioners of the *Admiralty* the least room for you to have desired me to recollect, that mine of that Date was an Answer to yours of the preceding Day: I am very sensible it was; but I must beg you would be pleased to remember, that it contained also an Addition of new Matter, the Consequences of what might have been expected after knowing the King's Pleasure, and their Lordships Intention; a Boon, which Reason, Law and Justice authorize me to ask, and their Lordships to grant. Whether then, the Satisfaction of knowing, if such a Letter was received, the Request granted, or refused, was too presumptuous an Expectation, I submit to their Lordships Judgment?

I COULD not possibly imagine what stopt their Lordships Proceedings, or prevented their summoning the proper Witnesses——Three Months Application before I could obtain the King's Determination, after the knowledge of which, to live in a state of Uncertainty three Months longer, and then to be told of nine Sail of his Majesty's Ships coming home, with—

without bringing the Persons necessary to bring my Cause to an Issue, whetted my Impatience, and prompted me to write my last Letter. So many Discouragements bring Pain and Mortification, more than sufficient to tire my Patience, and the Loss of so good an Opportunity so unexpectedly, adds Distress to every Disappointment, and aggravates all that I have met with. Hence, I flatter myself, their Lordships have too much Humanity, and are too good Judges of Mankind, not to be sensible of what I feel in such Circumstances, under a Pressure of Injuries, while the time has been thus protracted, and my Remedy put off; also to forgive my complaining to them, in whose Power I apprehend it was to redress me.

THEIR Lordships Condescension in letting me know the Reasons, why they could proceed no farther, I esteem a Favour conferred on me; likewise your acquainting me, that upon Admiral *M—ws's* Arrival in *England*, by Letter of the 25th of September, you had signified to him the King's Pleasure, and their Lordships Intention thereupon to bring me to my Tryal, and therefore desired to know the Particulars of what he had to charge against me; but that you had not received an Answer till the 17th Instant, (the Day after you had received my last Letter,) Mature Deliberation! no less than seven Weeks time, under pretence that his Papers had been mislaid, or could not be found. Which gives me room to say, that had that Gentleman been equally eager and hasty to convict, and to justify his Order of Suspension, as he has been to injure and destroy, he would not now have been so full of Consideration, so prone to Delay, Subterfuge and Evasion. Surely it became him, if his Memory could not retain the Names of his Witnesses, and their Informations, to have been sure, to have brought such Memorandums with him, unless he

thought he was accountable to none, and that trampling a Vice-Admiral under his Feet was of no consequence, and needed no further Enquiry than the Knowledge that it was an Act of his Performance. I must take the Liberty to tell their Lordships, that I thought myself emancipated from his Oppressions, when I left the *Mediterranean*; consequently I depended on them for all necessary Dispatch: For was it to depend on him, I am persuaded I should never live to see the Day of my Tryal, for as much as it is his Interest to defer it, and mine to bring it about.

SHOULD not my Apprehensions be justly grounded, their Lordships will only have the Trouble of having them read over; on the contrary, if they are, they are seasonably hinted; I would rather appear troublesome, than the Fear of becoming so, should make me forsake my own Preservation, and Self-Defence. In like manner I am led to observe, that Admiral *Mathews* in the Extract of his Letter you were pleased to send me, calls me, "The late Vice-Admiral," by which he supposes me no longer in his Majesty's Service, like a great many others; and as it is natural for Mankind to believe what they wish, he imagines my Suspension confirmed: indeed in that Case, I humbly apprehend I am without the Jurisdiction of Martial-Law. Though for my own part, I never impeached their Lordships Justice, even in Thought, much less believed that they would condemn without hearing, and punish without Conviction, inconsistent with the Laws and Constitution of this Kingdom. Yet as this is not a time to entertain the least fear or scruple, I must beg their Lordships Explanation, whether I am a Vice-Admiral or not? More especially as you, Sir, in the Superscription of your Letters, since the Promotion of Flag-Officers, have never given me that Title. Besides, should

be brought to submit to be tryed by Judges, who have no legal Authority, I am so far interested, that let their Sentence be ever so favourable, it would not avail to bring me Satisfaction, for an injured Reputation, and loss of Fortune.

AS to the additional Article to the Queries and Replies exhibited against me, I might in Justice refuse answering to it, as it is without the Tenour of the Order of Suspension, and his Majesty's Pleasure signified to their Lordships, to bring me to a Tryal for my Conduct in the late Action against the combined Fleets of *France* and *Spain* in the *Mediterranean*. However, I will not dispute the Equiry of it, nor desire any Alteration to be made in the List of Evidences in my Letter of the 16th Instant; since Captain *Stepney*, with some others, are there mentioned, sufficient to prove the Falschood and Malignity of this Aspercion: But my Opponent thus seeking for Matter, puts me in mind of a sinking Map, who would lay hold of any Twigg to save himself.

I must desire their Lordships will be pleased to detain at home the Evidences you will find in the annexed List.

I am, &c.

R——d L——k.

N. B. With the above Letter was sent a List of Witnesses, containing several Persons Names now in England.

M.

Mr. Sec——ry Cor——tt to Vice-A——l
L——k.

S I R,

Admiralty-Office, Nov. 29, 1744.

I H A V E laid before my Lords Commissioners of the Admiralty your Letter, dated the 27th Instant, from *Berry-Street, St. James's*.

T H E I R Lordships command me to acquaint you, that they are sorry for every Incident that intervenes, to prolong the coming on of our Tryal. You are sensible that the first necessary Step was their receiving Admiral *Mathews's* Charge against you; and that when they received the same, it was sent forthwith to you.

N O W that you have in your Letter of the 27th Instant fixed on the Persons you desired to have produced for Evidences at the Tryal, (k) their Lordships have for the quicker Dispatch requested his G—— the D—— of N——le, Principal Secretary of State, to let them have one of his Messengers, whom they will forthwith dispatch, with Orders to Vice-A——l Row——y to send home all the said Persons either in a Ship of War on purpose, if his Majesty's Service can spare one, or else by the first Ship of War bound home (l). As to such of your Evidences as are now

(k) With Submission to Mr. S——y, the Witnesses were equally fix'd the 21st of *August*, which is above three Months ago, as now.

(l) Accordingly a Messenger, a few Days after, was dispatched to Vice-A——l R——y, to send home the Witnesses.

in England, their Lordships will give the necessary Orders to keep them at home.

A S to Mr. M———th styling you the late Vice-Admiral, you do not expect any Answer from their Lordships for the ways of other Men; and as to my Clerks directing my Letters to you without naming your Flag, it appears to be the usual Method of this Office, when Letters are sent to Flag-Officers, whose Flags are not flying: however, I make no scruple to direct to you (as I do this) with your Flag-Title; it being out of doubt that a Flag-Officer suspended does not cease to be a Flag-Officer (m).

I WILL add one Remark to undeceive you in an Opinion, that seems pretty general in the Fleet; which is, if an Officer of the Fleet is out of Employment, he cannot be tried for Offences committed by him when he was employed: which is very erroneous, and without Foundation. I am, (n)

S I R,

Yours, &c.

Tho. Cor—tt.

(m) Though Mr. L———^k knew himself to be in his Majesty's Service, yet as there was a new Board of Ad———y going to be appointed, and Mr. M———^s had alledged he was no longer a Flag-Officer, together with his Adherents, as well as many deluded people, at this Time to remove all Scruples, and to convince them of their Ignorance, the Question was seasonably put to their
—ps.

(n) Beyond all Dispute, an Officer when he is out of Employment may be tried for Offences committed by him when he was employ'd;

N. B. *The above Letter was directed to R—k, Esq; Vice-Ad—l of the White Squadron of his Majesty's Fleet.*

employed; but the Question which more properly arises here is, whether an Officer can be justly tried for Offences, after he has been already punished for them, by being discharged from the Service; or whether he can be legally reduced from whole Pay to half, under a Suspension from Duty, without a Trial? — The Power of trying is certain, if the Crime is committed in actual Service and Pay. But the material Question is, what legal Power and Authority have the L—ds C—rs for executing the Office of Lord High-Admiral, to punish any Criminal whatever, otherwise than as a Court-Martial shall think fit? — However, we may venture to affirm, that a Person accus'd of any Misdemeanor, cannot, consistent with the Liberties and Laws of this Constitution, be punished, either by the Loss of his Post, his Pay, or the least Diminution of it, before he is tried.

To R——d L——k, Esq; Vice-A——
of the Red Squadron of his Majesty's Fleet.

S I R,

Admiralty-Office, 29 Jan. 1744.

MY Lords Commissioners of the Admiralty having called for all the Proceedings, in the Time of the late Board, for bringing you to a Court-Martial, for your Conduct in the late Action in the *Mediterranean*, in pursuance of his Majesty's Commands; and finding that the said Court cannot be held, notwithstanding a great number of Witnesses, whom you have applied for, are now in *England*, until the Arrival of a considerable Number of more Persons from the Fleet in the *Mediterranean*, whom you have likewise demanded to be produced as Evidences for you at the said Trial; and their Lordships having accordingly directed Vice-Adm-ral R-wl-y to send them immediately to *England*, in one of the Ships of the Squadron under his Command, if his Majesty's Service, and the Orders he is under, will allow him to spare a Ship for that Purpose; or otherwise, in the first Man of War he shall send home; I am commanded by their Lordships to acquaint you, that so soon as the said Persons arrive, they will give immediate Orders for holding a Court-Martial; and their Lordships hope, that on your Part you will be ready for it.

I am, Sir, your most humble Servant,

Tho. Cor——tt.

To Mr. Sec——y Cor——tt.

S I R,

Berry-street, St. James's, Jan. 30, 1744.

LATE last Night I received your Letter of yesterday's Date, directed to me as Vice-Admiral of the Red Squadron of his Majesty's Fleet, which, until I am justified from Mr. *Mathew's* injurious Suspension, I apprehend I have no Title to. I am truly sensible of the great Candour and Justice of my Lords Commissioners

G

Commissioners

Commissioners of the Admiralty, in having called for all the Proceedings of the late Board, for bringing me to a Court-Martial for my Conduct in the late Action in the *Mediterranean*, in pursuance of his Majesty's Commands ; by which I flatter myself their Lordships observed, that the Time has not been protracted, nor the Trial put off so long by any Measures of mine ; but on the contrary, that I have used my utmost Endeavours, by repeated Application, having not lost one Day or Hour struggling to procure that which will bring me the greatest Satisfaction in this Life, an Enquiry into my Conduct, after what I have suffered.

The Reasons are best known to you, why so good an Opportunity as nine Sail of Ships at a time, coming home, was neglected, and brought none of my Witnesses requested in my Letter of the 20th of *August* ; and why, after Mr. *Mathews's* Arrival in *England*, he was so patiently suffered to be silent for seven Weeks together, on the Subject of your Letter of the 25th of *September*, which he did not answer sooner than the 17th of *November*, signifying he could not find his Papers, to know the Names of some of his necessary Evidences, till two Days before. You will be pleased to bear me witness, that I had no Share in these Delays ; and, tho' painful and aggravating under my unfortunate Circumstances, my Enemies have had the face to rumour abroad every where, that I have been the Person who has started Difficulties and trifling Objections, on purpose to gain Time, and to retard my Trial : This indeed is exulting, at the Expence of my Honour and Reputation ; but how much I have deserved such inhuman Treatment, their Lordships (by having look'd over the Proceedings of the late Board) are now the best Judges.

Altho' I have all along guarded against the least Delay on my part, and it is my sole Ambition to forward my Trial, by all ways in my power ; yet Justice, and my own Preservation, will not admit of a Court-Martial being held, (as you say) notwithstanding a great number of Witnesses, whom I have applied for to be retain'd at home, are now in *England*, until the Arrival of a considerable number of more Persons from
the

the Fleet in the *Mediterranean*, whom I have demanded to be produced as Evidences for me at the said Trial. I cannot suffer this to escape me, without requesting you to remember that the Witnesses now in *England*, which Chance sent in my way, are few of them of my List of the 20th of *August*, and none of them of my List of the 16th of *November*, where you will find the Number of my Witnesses greatly lessened, and confined only to the *Neptune*, *Torbay*, and the *Anne Galley Fireship*, which neither Providence, nor the Will of their late Lordships had then given me: these are the material Persons that are best able to support my Cause, being the nearest to my Person, as also to the *Namur*, of any of my Division; consequently the most necessary Witnesses, as they could distinguish from their Situation all the different Motions of each Flag-ship.

As their Lordships have been so good as to direct Vice-Adm—l *R-ow-ey* to send my Witnesses to *England*, in one of the Ships of the Squadron under his Command, if his Majesty's Service will allow him to spare a Ship for that Purpose, I have nothing more to say, than to thank their Lordships for these their Directions, and likewise for your Letter of Notice of Yesterday's Date. I am ready, the moment the Ship arrives with them; having no Wish or Prayer so fervently at heart, as that Mr. *R-wl-y's* Orders may admit of a Ship being sent; and that she may escape the Enemy at *Cadiz*, and arrive with all possible Expedition, to deliver me from the Evils, which Calumny and Misrepresentation have added to the Load I have been so long necessitated to bear.

I am, Sir,

Your most Obedient,

Humble Servant,

R—d L—k.

To R—d L—k, Esq; Vice-Adm—l of the
White Squadron of his Majesty's Fleet.

S I R,

Admiralty Office, 1st February, 1744.

I Have received your Letter of the 30th past, and have laid the same before my Lords Commissioners of the Admiralty. I am sorry for the Mistake in directing to you as Vice-Adm—l of the Red; it was a great Error of the Clerk who made the Letter up.

I am, Sir,

Your most humble Servant,

Tho— Cor—tt.

To Mr. Sec—y Cor—tt.

S I R,

Berry-street, St. James's, February 2d, 1744.

THIS Morning I received your Letter of the 1st of February, signifying that you had communicated mine of the 30th past, to my Lords Commissioners of the Admiralty.

I am, Sir,

Your most Obedient,

Humble Servant.

R—d L—k.

To Mr. Secretary C——tt.

S I R,

Berry-Street, St. James's, Feb. 8, 1744.

TO my Letter of the 27th of November, I annexed a List of Evidences that were in England, among which were mentioned such Officers and Quatter-deck People of his Majesty's Ship *Namur*, as were on board of the *Revenge* the 11th of February, 1743. And although in your Answer of the 29th of November, you tell me that the late Lords Commissioners of the Admiralty will give the necessary Orders to keep them at home, yet lest any of them should escape me, I must beg to mention underneath the Names of such as are come to my Knowledge: And also as I have been informed that his Majesty's Ship *Princess Louisa* is under Sailing Orders, I must beg you will remind their Lordships, that Lieutenant *Richard Dubois* of that Ship, is mentioned in the same List, as having been on board of his Majesty's Ship *Russel*, on the Day of the late Action in the *Mediterranean*.

I am, Sir,

Your most Obedient,

Humble Servant,

R——d L——k.

N. B. With the above Letter was sent a List of Persons on board of the *Revenge*, the 11th of February, 1743, and came home in the *Namur*.

To Vice-Adm——l L——k.

S I R,

Admiralty-Office, Feb. 10, 1744.

MR. *Edward Clarke*, third Lieutenant of the *Ludlow-Castle*, and Mr. *Alexander Philips*, Purser of that Ship, being in the List of Persons who you have desired may be detained at home, as Part of your Evidence at the intended Court-Martial, and the said Ship being under

under Orders to convoy the Trade to *Portugal*, and after a Stay of about ten Days at *Lisbon* to return to *England* with the homeward-bound Trade, from thence I am commanded by my Lords Commissioners of the Admiralty to desire you will let me know, for their Information, whether you demand their staying at home, to be in the way when the intended Court-Martial is to be held; in which Case other Officers must necessarily be appointed in their room, as the Ship cannot go to Sea without such Officers.

I am, Sir,

Your most Humble Servant,

T—ms C—tt.

To Mr. Secretary C—tt.

S I R,

Chigwell, Feb. 11th, 1744.

I Thank my Lords Commissioners of the Admiralty for your Letter of Yesterday's Date; which I have just now received, by the Hands of my Servant. In Answer to which I must observe, that Lieutenant *Clarke* and Mr. *Alexander Philips* were not only mentioned in my List of the 27th of November, but allowed to me by their late Lordships in your Answer of the 29th of the same Month, and really they are such Evidences as I cannot suffer to escape me.

Their Lordships are the best Judges, whether the *Ludlow-Castle* will be able to return before the Day of my Trial; I must acknowledge, I would not willingly depend on that, for the Danger of the Sea and the Enemy are against me, besides a longer Stay, that unforeseen Accidents may occasion, and prevent her from returning; in that Case therefore, I think no Man would trust any part of his Cause upon so precarious a Footing; and as I have at stake, all that is valuable, I cannot possibly consent to what may in any measure endanger my Preservation, or render my Justification less manifest and perspicuous.

However, as I should be sorry they should lose their Employments, I humbly hope their Lordships will be pleased

pleased to move them into Ships that are not immediately going abroad; particularly Mr. *Philip*, who, in consideration of being Purser of a Fourth-Rate, and unjustly superseded, was by my Lord *H—* appointed Purser of the *Ludlow-Castle*, until the Vacancy of a superior Rate happened.

I hope, tho' you have taken no notice of it, you received my Letter of last Week, wherein I mentioned the Names of those who belonged to the *Revenge* on the 11th of *February*, and came home in the *Namur*.

I am, Sir,

Your most Humble Servant,

R—d L—k.

To Vice-A—l L—k.

S I R,

Admiralty-Office, Feb. 12th, 1744.

I Have received and communicated to my Lords Commissioners of the Admiralty, your Letter of the 8th Instant, with the List on the other Side of Persons who belonged to the *Revenge* on the 11th of *February*, 1743, and came home in the *Namur*, wherein you have named Lieutenant *Mark Tiddeman* as one of your Evidences, in addition to those you mentioned in your Letter of the 27th of *November* last; and in Answer thereto I am to acquaint you, that Captain *Burkely* of the *Namur*, had (in pursuance of the Directions given him upon your former Application) returned hither the Names of all the said Persons, except the above named Lieutenant, who is upon Half-Pay, and shall be forth coming at the intended Court-Martial.

The Method their Lordships have taken to keep your Evidence together is as follows.

The Commission and Warrant Officers who are immediately under their own Appointment, their Lordships will take care shall not go out of the Land till the Trial is over.

They have given the like Order to the Navy-Board, in relation to Masters and Surgeons.

And

And as to the other Quarter-deck People, their Lordships have ordered them to be born as Supernumeraries on board one of the great Ships at *Portsmouth*.

And in answer to what you mention in your Letter, about Lieutenant *Dubois*, of the *Prince of Wales*, I am to acquaint you, he has been some time since moved to the *Royal George*.

I have, since the writing this, received yours of the 11th, and in Compliance with your Desire in relation to Lieutenant *Clarke* of the *Ludlow Castle*, and *Mr. Philips*, Purser of the said Ship, their Lordships have moved the Lieutenant into the *Sandwich*, and given the Purser leave to stay in *England*, and appoint a Deputy to act for him in the Ship during the Voyage.

I am, Sir,

Your most Humble Servant,

T—C—

To Mr. Secretary C—R.

S I R,

Chigwell, Feb. 13th.

I Think it my Duty to thank my Lords Commissioners of the Admiralty for your Letter of Yesterday. The Method they have taken to keep my Papers together, requires my Thanks and Acknowledgments: therefore be pleased to assure them, that I always retain the most grateful Sentiments of Justice and Goodness.—I am also extremely thankful for the Remove of Lieutenant *Clarke*, and their Lordships Leave to the Purser, Mr. *Philips*, to stay in *England*.

I have a true Sense of all their Favours, and

Sir,

Your most Humble Servant,

R—d L—